Historic Properties & Base Realignment and Closure 2005

Ms. Maureen Sullivan
Federal Preservation Officer
Office of the Deputy Under Secretary of Defense
(Installations & Environment)

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Historic Properties

- The National Historic Preservation Act (NHPA) defines historic property or historic resource as:
  - *any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such property or resource.*

National Historic Landmarks

- Closure -- Fort Monroe, VA
- Major Realignment – National Museum of Health and Medicine at Walter Reed Medical Center, DC
  - The Museum is not moving

Cultural Resources at Major Closures

- 12 Historic Districts
  - Galena Forward Operating Location, Alaska
  - Broadway Complex, San Diego, California (3)
  - Fort Gillem, Georgia
  - Fort McPherson, Georgia
  - Selfridge Army Activity, Michigan
  - Fort Monmouth, New Jersey
  - Brooks City Base, Texas
  - Fort Monroe, Virginia (2)
- 354 Historic Buildings – Contributing Elements of a Historic Districts
- 74 Historic Buildings listed/eligible individually

Cultural Resources at Army Reserve Centers

- *Delaware*: Major Robert Kirkwood United States Army Reserve Center, Newark
- *Maryland*: Flair Memorial Armed Forces Reserve Center, Frederick
- *Missouri*: Jefferson Barracks United States Army Reserve Center
- *Montana*: Army Reserve Center Veuve Hall (building #26) and Area Maintenance Support Activity #75 on Fort Missoula
- *Ohio*: Fort Hayes US Army Reserve Center, Columbus
- *Washington*: Vancouver Barracks

Historic Properties

- 6 Centers have Historic Properties
- No NHLs
- Six Historic Districts
  - 39 buildings/structures
- 15 individual buildings listed/eligible
- Only Vancouver Barracks has archeology sites

National Historic Preservation Act
Section 106

Military Departments:

- Must consider the effects of BRAC actions on historic properties
- Must provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment
- Are responsible for the consequences of its action on historic properties and be publicly accountable for their decisions
- Are responsible for initiating the Section 106 process, most of which takes place between them and State and tribal officials. A State Historic Preservation Officer (SHPO), appointed by the Governor, coordinates the historic preservation program in their state and consults with the Military Departments during the Section 106 review process.
- Must consult with the public and officials of federally recognized Indian tribes, when tribal lands or historic properties of significance to tribes are involved.

The point of Section 106 review is not to stop projects.
is to ensure that Military Departments fully consider historic preservation issues
and the views of the public while planning BRAC actions.

Five Steps to Successful Section 106

Military Departments must:

1. Determine if Section 106 applies, and, if so, initiate the review process
2. Gather information to decide which properties are listed on or eligible for the National Register of Historic Places
3. Determine how historic properties might be affected
4. Explore alternatives to avoid or reduce harm to historic properties
5. Reach agreement with SHPOs, and in some cases the ACHP, on measures needed to deal with any adverse effect

Historic Properties

The Military Services/Installations will:

- Have a complete inventory of the Historic Properties
- Have most, if not all, of the documentation to support a nomination to the Federal Register of Historic Places
- Will consult with the State Historic Preservation Office and other stakeholders
- Will negotiate the Memorandum of Understanding or Programmatic Agreement

BRAC Rulemaking Federal Register Notice

§174.19 Historic Preservation

- The Secretary concerned may include such restrictions or conditions (typically a real property interest in the form of a restrictive covenant or preservation easement) in any deed or lease conveying an interest in historic property to a non-Federal entity.
- Before including such a covenant or easement in a deed or lease, the Secretary concerned shall consider whether:
  - the jurisdiction that encompasses the property authorizes such a covenant or easement; and
  - the Secretary can give or assign to a third party the responsibility for monitoring and enforcing such a covenant or easement.

Final Rule published in the Federal Register on February 28, 2006

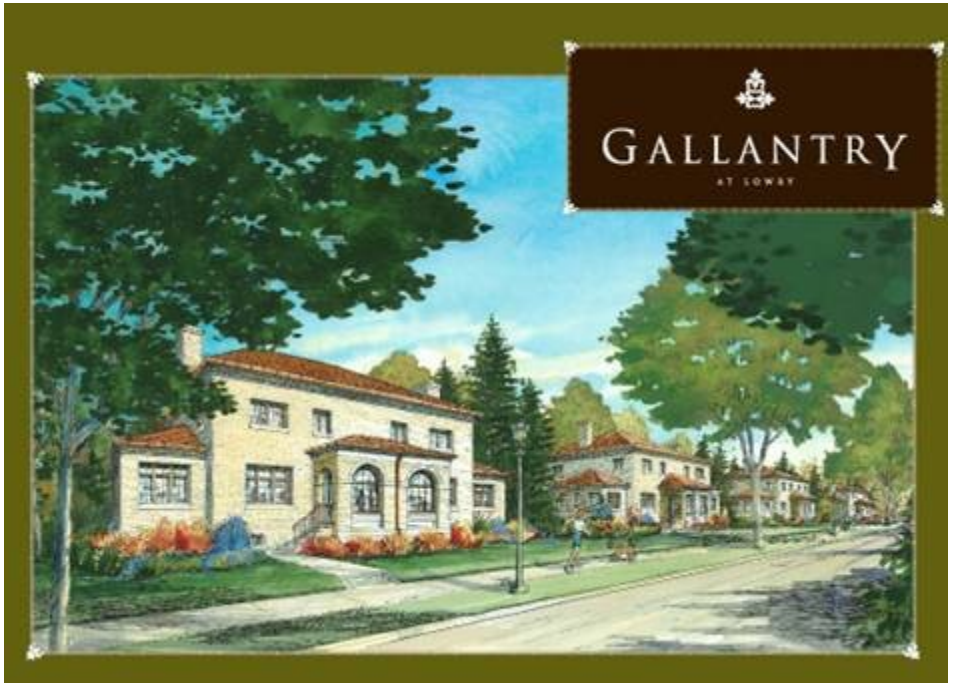
Options To Protect Historic Properties

- Historic Preservation Ordinances
  - Advantages:
    - Based on police power; inexpensive
    - May be adjusted via administrative processes
  - Disadvantages:
    - Often spark regulatory undertakings litigation
    - May be adjusted via administrative processes
- Work best when linked to comprehensive planning, zoning, & site plan review

Options to Protect Historic Properties

- Preservation Covenants
  - Contracts, not actual property interests
  - May not “run with the land”
  - Enforceable only through legal remedies
- Conservation Easements
  - Recognized “negative servitude in gross”
  - Potentially perpetual, “run with the land”
  - Enforceable through equitable relief
- The Covenant/Easement “Two Step”

Examples from Previous BRAC Rounds



Advisory Council on Historic Preservation

- Created a BRAC Task Force
- Action Plan
  - ***Goal #1: Encourage preservation of historic properties affected by BRAC through assistance to participants in the Section 106 process.***
  - ***Goal #2: Facilitate redevelopment outcomes that promote preservation, long-term stewardship of historic properties and the economic viability of communities.***

Historic Properties & BRAC 2005

Historic Preservation Web Sites

- Department of Defense
  - https://www.denix.osd.mil/denix/Public/Library/NCR/toc.html
- Advisory Council on Historic Preservation (ACHP)
  - http://www.achp.gov
- National Council of State Historic Preservation Officers (NCSPHO)
  - http://www.ncshpo.org/
- National Park Service
  - http://www.cr.nps.gov/